This is a response to the Office Action dated October 4, 2005, in which the previously indicated allowability of claims 7-24 was withdrawn in view of newly discovered art. Claims 7-27 are pending. Claim 21 and 24 have been amended. New claims 25-27 have been added. Individual issues raised by the Examiner are addressed next in the order in which they appear in the Office Action.

Claim Objections

In paragraph 3 of the Office Action, claim 24 was objected to as being in an improper dependent form. Claim 24 was amended to recite "the method of claim 21", which language reflects the proper dependency for the claim, and is believed to overcome the objection. In addition, claim 21 was amended to recite --sending to the server--, instead of "sending to the serve," to correct an inadvertent typographical error. Applicant wishes to express his gratitude to Examiner Shah for the careful examination of this case, which enabled the correction of these inadvertent typographical errors.

Claim Rejections Under 35 U.S.C. § 102

In paragraphs 4-5 of the Office Action, claims 7-24 were rejected as being anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 6,771,290 issued to Hoyle ("Hoyle"). Applicant respectfully submits that the rejections appear to be due to incorrect reading of the reference, and accordingly disagrees.

Specifically, as to claim 7, the Office Action stated that Hoyle discloses the step of "sending to the user a checksum of the collected data," clarifying that the step was performed by the builder module 64 in Hoyle, which "upgrades the software application having version number, see col. 21, lines 29-51." Applicant respectfully disagrees with the above interpretation.

Hoyle's disclosure at col. 21, lines 29-51, relied upon in the Office Action, is directed to diagnostic evaluation of the software application running at the client. The pertinent part reads as follows:

> Upon execution of a software application using an icon 76, <u>client software application 10</u> monitors the execution of the software application and, <u>upon determining that the software application is not executing normally, utilizes builder module 64 to perform a diagnostic evaluation of the software application</u> which can include, for example, checking for corrupted application files (using <u>checksum or other such information</u>), checking for the existence of all necessary files in the proper directories, and checking to

determine that all of the program modules of the software application under evaluation have the proper version numbers for the current blueprint of the software application. Hoyle, col. 21, lines 34-45, emphasis added.

The above excerpt is the only one in Hoyle that discloses the use of a "checksum," which term is not defined in the patent. However, whatever meaning is associated with the term, as evident from the cited disclosure, Hoyle's "checksum" is generated as a result of a diagnostic evaluation at the client computer, and therefore is not being sent to this computer. Indeed, contrary to the express recitation of applicant's claim 7, there is no disclosure, teaching or suggestion in Hoyle of "sending to the user a checksum of the collected data." Accordingly, Hoyle cannot anticipate. Notably, the claim requires a checksum "of the collected data," which data is collected "based on the user profile." But in the context of Hoyle's diagnostic evaluation, there is no disclosure of electronic data being collected based on the user profile.[1] Accordingly, the "sending to the user" limitation in claim 7 is missing in Hoyle, which cannot anticipate.

In addition, Hoyle fails to disclose the step of "receiving from the user an indication of data previously sent to the user," recited in claim 7. The Office Action pointed to the following sentence as teaching the limitation: "Once the problem has been determined, an error message can be generated for the user" (Hoyle, col. 21, lines 45-46). Applicant respectfully submits that generating an error message for the user does not even suggest "receiving from the user an indication of data previously sent to the user," as recited in the claim. This latter step is not disclosed, taught or fairly suggested in Hoyle.

Independent claim 14 recites a "client component residing on a computer of the user and operable to receive a checksum of the collected data..."; independent claim 21 recites "receiving from a server a checksum of electronic data collected by the server based on the user profile." For the same reasons set forth above, Hoyle cannot anticipate these claims. Additionally, applicant respectfully disagrees with the statement in the Office Action that Hoyle's disclosure of a pull down menu containing basic commands available to the user (col. 14, lines 1-13) teaches the limitation of "deleting from the database electronic data that has been previously sent to the user" in claim 8, or that Hoyle's disclosure of links related to particular categories discloses "healthcare related data," as recited in claim 13. The statements in the Office Action concerning other dependent claims are not specific for

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[1] The text in the Hoyle patent at col. 8, lines 31-32 cited in the Office Action for allegedly providing a user "with customized data based on a user profile," relates to a program operable to display user selectable items on a screen. Applicant respectfully submits that this disclosure is not relevant to the step of "collecting electronic data based on the user profile," nor to "sending to the user a checksum of the collected data," as recited in claim 7.

6

applicant to formulate a response. (For example, the Office Action indicated without discussion that Hoyle discloses the limitations of claims 9-12, pointing to Hoyle "38-52," which citation is not clear, as it does not seem to refer to either columns of text, or lines in a column.)

Accordingly, for at least the reasons set forth above, applicant submits that Hoyle cannot anticipate claims 7-24, and respectfully requests that the corresponding claim rejections be withdrawn.
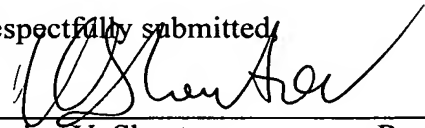
Applicant has added new dependent claims 25-27 to further define an aspect of the claimed invention, which is related to the use of checksums to identify data items. In particular, new claim 25 recites "The method of claim 7, wherein the sent checksum identifies one or more collected data items." New claims 26 and 27 add substantially similar language. The new claims find support, for example, in the disclosure at page 3, as well as the language of the originally filed claims. No new matter has been added.

Conclusion

In view of the above, the Applicant submits that claims 7-27 are patentable over the prior art of record, and therefore the application is in condition for allowance. Should the Examiner have any questions regarding the application or this submission, the Examiner is invited to call the undersigned at the number listed below.

Respectfully submitted,

Date: February 6, 2005

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7